

FILED  
U.S. DISTRICT COURT  
SAVANNAH, GA.  
2018 FEB 23 PM 2:22

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

AHMAD RASHAAD FERGUSON, )  
Petitioner, )  
v. ) CASE NO. CV413-181  
UNITED STATES OF AMERICA, )  
Respondent. )  
\_\_\_\_\_  
CLERK \_\_\_\_\_  
SD. DIST. OF GA.

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 9), to which objections have been filed (Doc. 12). After a careful de novo review of the record, the Court concludes that Petitioner's objections are without merit. Accordingly, the report and recommendation is ADOPTED as the Court's opinion in this case. As a result, Petitioner's 28 U.S.C. § 2255 Petition is DENIED. The Clerk of Court is DIRECTED to close this case.

In his objections, Petitioner relies on Moncrieffe v. Holder, \_\_\_ U.S. \_\_\_, 133 S. Ct. 1678 (2013), for the proposition that his prior convictions for possession of marijuana or cocaine with the intent to distribute do not qualify him as a career offender for purposes of sentencing under the federal guidelines. (Doc. 12 at 2-6.) As the

Magistrate Judge correctly pointed out, Moncrieffe defined aggravated felonies for drug trafficking under the Immigration and Nationality Act. 133 S. Ct. at 1685-87. The Armed Career Criminal Act, however, contains its own definition of felony drug offenses, under which Petitioner's prior convictions clearly fall. See 21 U.S.C. § 802(44); id. § 841(b)(1)(B). As a result, Petitioner's reliance on Moncrieffe is misplaced as it offers him no relief.

SO ORDERED this 28<sup>th</sup> day of February 2014.

  
WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA